

Executive Summary – Enforcement Matter – Case No. 47868
Equistar Chemicals, LP
RN100210319
Docket No. 2013-1988-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Equistar Chemicals La Porte Complex, 1515 Miller Cut Off Road, La Porte, Harris County

Type of Operation:

Petrochemical plant

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket No.: 2013-2193-AIR-E and 2014-0115-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: March 7, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$29,250

Amount Deferred for Expedited Settlement: \$5,850

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$11,700

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$11,700

Name of SEP: Houston Regional Monitoring Corporation

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

Executive Summary – Enforcement Matter – Case No. 47868
Equistar Chemicals, LP
RN100210319
Docket No. 2013-1988-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: August 12, 2013 and August 13, 2013

Date(s) of NOE(s): October 1, 2013

Violation Information

1. Failed to prevent unauthorized emissions. Specifically, the Respondent released 8,700 pounds ("lbs") of ethylene from the AB-III Unit, when two relief valves, V4246RV2 and V4246RV3, located on the high pressure separator lifted prematurely during a startup, resulting in an emissions event (Incident No. 182982) that began on May 17, 2013 and lasted for thirty-three minutes. Since this emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), Federal Operating Permit ("FOP") No. O2223, Special Terms and Conditions ("STC") No. 15, Air Permit No. 4477, Special Conditions No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to prevent unauthorized emissions. Specifically, the Respondent released 7,600 lbs of ethylene from the AB-III Unit, when the primary inter-stage relief valve, V4202RV1, failed during normal operations, resulting in an emissions event (Incident No. 182989) that began on May 19, 2013 and lasted for sixteen minutes. Since this emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), FOP No. O2223, STC No. 15, Air Permit No. 4477, Special Conditions No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By October 31, 2013 the Respondent implemented the following corrective measures at the Plant to prevent recurrence of emissions events due to similar causes as Incident No. 182982:

- a. Setup the Distributed Control System to indicate when the high pressure separator ("HPS") pressure reaches 3,875 pounds per square inch gauge ("psig"); and
- b. Added the maximum operating pressure information of 4,400 psig to the HPS relief valve specification sheet.

Executive Summary – Enforcement Matter – Case No. 47868
Equistar Chemicals, LP
RN100210319
Docket No. 2013-1988-AIR-E

Technical Requirements:

1. The Order will require the Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)
2. The Order will also require the Respondent to:
 - a. Within 30 days, implement procedures to prevent the recurrence of emissions events due to same or similar causes as Incident No. 182989; and
 - b. Within 45 days, submit written certification demonstrating compliance with Ordering Provision a.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Nadia Hameed, Enforcement Division,
Enforcement Team 5, MC R-12, (713) 767-3629; Candy Garrett, Enforcement Division,
MC 219, (512) 239-1456
TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division,
MC 219, (512) 239-3565
Respondent: Michael Wagner, Principal Environmental Engineer, Equistar
Chemicals, LP, P.O. Box D, Deer Park, Texas 77536
Tim M. Westby, Site Manager, Equistar Chemicals, LP, P.O. Box D, Deer Park, Texas
77536
Respondent's Attorney: N/A

Attachment A
Docket Number: 2013-1988-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Equistar Chemicals, LP
Penalty Amount:	Twenty-Three Thousand Four Hundred Dollars (\$23,400)
SEP Offset Amount:	Eleven Thousand Seven Hundred Dollars (\$11,700)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Houston Regional Monitoring Corporation
Project Name:	<i>Houston Area Air Monitoring Project</i>
Location of SEP:	Harris County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project ("SEP"). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Houston Regional Monitoring Corporation** for the *Houston Area Air Monitoring Project* SEP. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to operate a network of ambient air monitoring stations that continuously measure and record concentrations of ambient air pollutants. This network includes the Houston Regional Monitor ("HRM") 617 Wallisville Road site, the HRM 615 Lynchburg Ferry site, and the HRM 3 Haden Road site. The Third-Party Administrator shall use the SEP Offset Amount to report data from these three existing sites in the Houston Regional Monitoring Corporation ambient air quality monitoring network in the Houston-Galveston Air Quality Control Region No. 216. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including but not limited to supplies, materials, and equipment. Any portion of this

contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will provide TCEQ with near real-time access to high quality, short time resolution volatile organic compound, nitrogen oxide, ozone, and meteorological data sets that can be used to evaluate and track air pollution emission events as they occur, conduct source attribution studies, and to assess potential ambient community exposure to a limited number of hazardous air pollutants. Data from the monitors can be used with data from other monitors to provide critical information that can be used to evaluate the effectiveness of current and proposed emission control strategies aimed at achieving compliance with the 8-hr ozone National Ambient Air Quality Standards. It also provides a key source of information that is essential to furthering our overall understanding of those emission sources that contribute to ambient community exposure to toxic air contaminants. Because the information is available in near real-time, it can be used to provide both agency staff and industry personnel with time critical information to investigate emission events in a timely fashion. Another key benefit is the ability to measure the change in the ambient air concentration of the individual target species and quantify control measure effectiveness. Data from these monitors will be publicly accessible through the TCEQ's website and will be used in evaluating air quality in the area, in ozone forecasts, and ozone warnings. Thus, the public will directly benefit by having access to the data and the forecasting and notification tools which can be used for public awareness.

c. Minimum Expenditure

Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. Respondent shall make the contribution payable to **Houston Regional Monitoring Corporation SEP** and shall mail the contribution with a copy of the Agreed Order to:

Equistar Chemicals, LP
Agreed Order - Attachment A

Houston Regional Monitoring Corporation
c/o Christopher B. Amandes
Morgan, Lewis, & Bockius, LLP
1000 Louisiana, Suite 4000
Houston, Texas 77002

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount due to the Third-Party Administrator. Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP made by or on behalf of Respondent, must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	7-Oct-2013	Screening	16-Oct-2013	EPA Due	
	PCW	28-Oct-2013				

RESPONDENT/FACILITY INFORMATION

Respondent	Equistar Chemicals, LP		
Reg. Ent. Ref. No.	RN100210319		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	47868	No. of Violations	2
Docket No.	2013-1988-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Nadia Hameed
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$15,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	100.0% Enhancement	Subtotals 2, 3, & 7	\$15,000
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Notes: Enhancement for two NOV's with same/similar violations, one NOV with dissimilar violations, and ten orders with denial of liability. Reduction for five notices of intent to conduct an audit and three disclosures of violations.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$750
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$480
Approx. Cost of Compliance: \$10,500
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$29,250
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$29,250
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$29,250
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DEFERRAL	20.0% Reduction	Adjustment	-\$5,850
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$23,400
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Screening Date 16-Oct-2013

Docket No. 2013-1988-AIR-E

PCW

Respondent Equistar Chemicals, LP

Policy Revision 3 (September 2011)

Case ID No. 47868

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100210319

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	2	10%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	10	200%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	5	-5%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	3	-6%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 201%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two NOVs with same/similar violations, one NOV with dissimilar violations, and ten orders with denial of liability. Reduction for five notices of intent to conduct an audit and three disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 201%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 16-Oct-2013

Docket No. 2013-1988-AIR-E

PCW

Respondent Equistar Chemicals, LP

Policy Revision 3 (September 2011)

Case ID No. 47868

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100210319

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Federal Operating Permit ("FOP") No. 02223, Special Terms and Conditions ("STC") No. 15, Air Permit No. 4477, Special Conditions No. 1, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 8,700 pounds ("lbs") of ethylene from the AB-III Unit, when two relief valves, V4246RV2 and V4246RV3, located on the high pressure separator lifted prematurely during a startup, resulting in an emissions event (Incident No. 182982) that began on May 17, 2013 and lasted for thirty-three minutes. Since this emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		x	
Potential			

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

10.0% Reduction

\$750

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		(mark with x)

Notes

The Respondent completed the corrective actions on October 31, 2013, after the October 1, 2013 NOE.

Violation Subtotal \$6,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$11

Violation Final Penalty Total \$14,250

This violation Final Assessed Penalty (adjusted for limits) \$14,250

Economic Benefit Worksheet

Respondent Equistar Chemicals, LP
Case ID No. 47868
Reg. Ent. Reference No. RN100210319
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	17-May-2013	31-Oct-2013	0.46	\$11	n/a	\$11

Notes for DELAYED costs

Estimated cost to set the alarm on the Distributed Control System and to add the maximum operating pressure as 4,400 pounds per square inch gauge on the high pressure separator relief valve sheet to prevent recurrence of emissions events due to same or similar causes as Incident No. 182982. The Date Required is the date of the emissions event. The Final Date is the date that corrective actions were completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$11

Screening Date 16-Oct-2013

Docket No. 2013-1988-AIR-E

PCW

Respondent Equistar Chemicals, LP

Policy Revision 3 (September 2011)

Case ID No. 47868

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100210319

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), FOP No. O2223, STC No. 15, Air Permit No. 4477, Special Conditions No. 1 and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 7,600 lbs of ethylene from the AB-III Unit, when the primary inter-stage relief valve, V4202RV1, failed during normal operations, resulting in an emissions event (Incident No. 182989) that began on May 19, 2013 and lasted for sixteen minutes. Since this emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$468

Violation Final Penalty Total \$15,000

This violation Final Assessed Penalty (adjusted for limits) \$15,000

Economic Benefit Worksheet

Respondent Equistar Chemicals, LP
Case ID No. 47868
Reg. Ent. Reference No. RN100210319
Media Air
Violation No. 2

Percent Interest 5.0
Years of Depreciation 15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	19-May-2013	26-Apr-2014	0.94	\$468	n/a	\$468

Notes for DELAYED costs

Estimated cost to implement procedures to prevent the recurrence of emissions events due to same or similar causes as Incident No. 182989. The Date Required is the date of the emissions event. The Final Date is the date that corrective actions are expected to be completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$468

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



TCEQ Compliance History Report

PENDING Compliance History Report for CN600124705, RN100210319, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator:	CN600124705, Equistar Chemicals, LP	Classification:	SATISFACTORY	Rating:	9.34
Regulated Entity:	RN100210319, EQUISTAR CHEMICALS LA PORTE COMPLEX	Classification:	SATISFACTORY	Rating:	24.47
Complexity Points:	44	Repeat Violator:	NO		
CH Group:	05 - Chemical Manufacturing				
Location:	1515 MILLER CUT OFF RD LA PORTE, TX 77571-9810, HARRIS COUNTY				
TCEQ Region:	REGION 12 - HOUSTON				

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HG0770G
AIR OPERATING PERMITS PERMIT 2223

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 85436
POLLUTION PREVENTION PLANNING ID NUMBER
P00553
WASTEWATER EPA ID TX0119792

AIR NEW SOURCE PERMITS PERMIT 19109
AIR NEW SOURCE PERMITS PERMIT 5226
AIR NEW SOURCE PERMITS PERMIT 18978
AIR NEW SOURCE PERMITS REGISTRATION 38605
AIR NEW SOURCE PERMITS REGISTRATION 42401
AIR NEW SOURCE PERMITS REGISTRATION 45099
AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0770G
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX752
AIR NEW SOURCE PERMITS REGISTRATION 42349
AIR NEW SOURCE PERMITS REGISTRATION 53934
AIR NEW SOURCE PERMITS REGISTRATION 74666
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX752M3
AIR NEW SOURCE PERMITS REGISTRATION 77957
AIR NEW SOURCE PERMITS PERMIT 83822
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX752M2
AIR NEW SOURCE PERMITS REGISTRATION 91251
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX752M4
AIR NEW SOURCE PERMITS REGISTRATION 102494
AIR NEW SOURCE PERMITS REGISTRATION 102470
WATER LICENSING LICENSE 1012680
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION
(SWR) 50383
IHW CORRECTIVE ACTION PERMIT 50383

AIR OPERATING PERMITS PERMIT 1606
INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TXR000025809
INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50383

WASTEWATER PERMIT WQ0004013000

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
1012680
AIR NEW SOURCE PERMITS PERMIT 4477
AIR NEW SOURCE PERMITS PERMIT 5836
AIR NEW SOURCE PERMITS PERMIT 22043
AIR NEW SOURCE PERMITS REGISTRATION 40078
AIR NEW SOURCE PERMITS REGISTRATION 43676
AIR NEW SOURCE PERMITS REGISTRATION 46127
AIR NEW SOURCE PERMITS AFS NUM 4820100055
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX818
AIR NEW SOURCE PERMITS REGISTRATION 70535
AIR NEW SOURCE PERMITS REGISTRATION 53387
AIR NEW SOURCE PERMITS REGISTRATION 76465
AIR NEW SOURCE PERMITS REGISTRATION 77716
AIR NEW SOURCE PERMITS REGISTRATION 79239
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX752M1
AIR NEW SOURCE PERMITS REGISTRATION 86948
AIR NEW SOURCE PERMITS REGISTRATION 98146
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX752M5
AIR NEW SOURCE PERMITS EPA PERMIT N162
AIR NEW SOURCE PERMITS REGISTRATION 112634
STORMWATER PERMIT TXR05N516
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION
(SWR) 85436
AIR EMISSIONS INVENTORY ACCOUNT NUMBER
HG0770G

Compliance History Period: September 01, 2008 to August 31, 2013 **Rating Year:** 2013 **Rating Date:** 09/01/2013

Date Compliance History Report Prepared: October 08, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 07, 2008 to October 07, 2013

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Nadia Hameed

Phone: (713) 767-3629

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A.Final Orders, court judgments, and consent decrees:

- 1 **Effective Date: 01/28/2010 ADMINORDER 2008-0958-AIR-E (1660 Order-Agreed Order With Denial)**
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Condition #1 PERMIT
Description: Failure to prevent failure of the AMOT temperature probe which resulted in unauthorized emissions.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Condition #1 PERMIT
Description: Failure to prevent a high differential pressure in the Acetylene Absorber that caused acetylene breakthrough in the Absorber and resulted in flaring.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Condition #1 PERMIT
Description: Failure to prevent failure of the Secondary Compressor's (C4202) thermocouple cable which caused the shut down of the compressor and the reactor vents to open to the atmosphere.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Condition #1 PERMIT
Description: Failure to prevent unauthorized emissions.
Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(f)
Description: Failure to provide the additional information requested by the TCEQ within the timeframe established by the request.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Condition #1 PERMIT
Description: Failure to prevent the shutdown of C-4202 Secondary Compressor which resulted in unauthorized emissions.
- 2 **Effective Date: 06/18/2010 ADMINORDER 2009-2024-AIR-E (1660 Order-Agreed Order With Denial)**
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Condition #1 PERMIT
Description: Failure to prevent unauthorized emissions due to the tripping of the Propylene Refrigeration Compressor.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Condition #1 PERMIT
Description: Failure to prevent unauthorized emissions due to power failure caused by mechanical vibration of the relay

trip contact.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Condition No. 1 PERMIT
Description: Failure to prevent unauthorized emissions due to communication hardware malfunction.

3 **Effective Date: 08/09/2010 ADMINORDER 2009-0154-AIR-E (1660 Order-Agreed Order With Denial)**

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Permit #18978, Special Condition, #1 PERMIT
Description: Failed to prevent unauthorized emissions. Specifically, during Incident No. 101266 on December 12, 2007 the following unauthorized emissions were released from the Elevated Flare over a period of one hour and 15 minutes: 603.7 pounds ("lbs") of ethylene, 893.5 lbs of carbon monoxide ("CO") and 117.7 lbs of nitrogen oxides ("NOx"). Since the emissions event was avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Permit #4477, Special Condition #1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, during Incident No. 102875 on January 26, 2008 the following unauthorized emissions were released from the High Pressure Separator Relief Valve over a period of five hours and 33 minutes: 886 lbs of ethylene, 221 lbs of vinyl acetate and 1 lb of propylene. Since the emissions event was avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Permit #18978 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, during Incident No. 103287 on February 4, 2008 the following unauthorized emissions were released from the Elevated Flare and the Acetylene Recovery Unit ("ARU") Flare over a period of five hours and 30 minutes: 3,461.8 lbs of volatile organic compounds ("VOCs"), 4,502 lbs of CO and 626 lbs of NOx. Since the emissions event was avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Permit #4477, Special Condition #1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, during Incident No. 103461 on February 7, 2008 the following unauthorized emissions were released from the AB3 Reactor Vents over a period of one hour and 58 minutes: 3,201.5 lbs of ethylene and 36.3 lbs of propylene. Since the emissions event was avoidable and not properly reported, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)
5C THSC Chapter 382 382.085(b)

Description: Failed to properly report Incident No. 103461. Specifically, the permit number for the unit involved in the February 7, 2008 emissions event was not included in the final record submitted for the event.

Classification: Major
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Permit #18978, Special Condition #1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, during Incident No. 103789 on February 15, 2008 the following unauthorized emissions were released from the Elevated Flare and the ARU Flare over a period of 118 hours: 1,713.9 lbs of VOCs, 1,336.1 lbs of CO and 145.5 lbs of NOx. Since the emissions event was avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov:Special Condition No. 1 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, during Incident No. 113155 on August 26, 2008 the following unauthorized emissions were released from L3RXVent over a period of three hours and 23 minutes: 1,211 lbs of VOCs. Since the emissions event was avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met.

- 4 **Effective Date: 08/21/2010 ADMINORDER 2009-1781-AIR-E (1660 Order-Agreed Order With Denial)**
Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.722(c)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Condition #1 PERMIT
Description: Failed to prevent unauthorized emissions. Specifically, the Respondent released 5,369 pounds ("lbs") of the highly reactive volatile organic compound ("HRVOC") ethylene, 89 lbs of the HRVOC propylene, 32 lbs of polymer, 2.2 lbs of carbon monoxide and 0.54 lbs of nitrogen oxide from the AB3 Unit during an avoidable emissions event (Incident No. 126040) that began on June 25, 2009 and lasted one hour and 48 minutes. The event was the result of a Bafco valve failing in the closed position on the Hi
- 5 **Effective Date: 05/08/2011 ADMINORDER 2010-0591-AIR-E (1660 Order-Agreed Order With Denial)**
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Condition No. 1 PERMIT
Description: Failure to prevent unauthorized emissions. Equistar failed to maintain an electrical conduit that allowed moisture in the system, causing thermocouple failure triggering an interlock shutdown of AB3 reactor.
- 6 **Effective Date: 05/08/2011 ADMINORDER 2010-0328-AIR-E (1660 Order-Agreed Order With Denial)**
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Condition 1 PERMIT
Description: Failed prevent unauthorized emissions during Incident No. 132744. Specifically, beginning December 2, 2009, rapid header pressure changes in the Process Gas Compressor resulted in the unauthorized release of 870.9 pounds ("lbs") of volatile organic compounds, 456.1 lbs of carbon monoxide, and 45.4 lbs of nitrogen oxides from the Acetylene Recovery Unit Flare [Emission Point Number ("EPN") QE3050B] and the Elevated Flare (EPN QE8050B), over a period of 8.5 hours. Since the emissions
- 7 **Effective Date: 06/20/2011 ADMINORDER 2010-1794-AIR-E (1660 Order-Agreed Order With Denial)**
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Special Condition #1 PERMIT
Description: Failure to prevent unauthorized emissions.
- 8 **Effective Date: 08/27/2011 ADMINORDER 2011-0198-AIR-E (1660 Order-Agreed Order With Denial)**
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Permit No. 4477, Special Condition 1 PERMIT
Description: Failed to prevent unauthorized emissions and to limit HRVOCs to 1,200 lbs per hour when a power loss to the 480V bus in the 13-A substation caused the AB3 Unit to shut down.
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:Permit 18978 and PSD-TX-752M3, SC 1 PERMIT
Description: Failed to prevent unauthorized emissions due to the restriction of the dimethylformamide flow to the Acetylene Absorber.
- 9 **Effective Date: 06/08/2012 ADMINORDER 2011-1596-AIR-E (1660 Order-Agreed Order With Denial)**
Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:GTC OP
SC 1 PERMIT
ST&C 14 OP

ST&C 1A OP

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Special Condition 1 PERMIT

Special Term and Condition 15 OP

Description: Failed to prevent unauthorized emissions.

10 **Effective Date: 02/23/2013 ADMINORDER 2012-1127-AIR-E (1660 Order-Agreed Order With Denial)**

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Special Terms and Conditions No. 14 OP

Description: Failed to prevent unauthorized emissions during an event on March 8, 2012 (Incident No. 165858).

Specifically, the Respondent released 34 pounds ("lbs") of 1,3-butadiene, 981 lbs of ethane, 2,142 lbs of ethylene, 4 lbs of benzene, 9 lbs of propane, 41 lbs of propylene, and 77 lbs of other volatile organic compounds from the Decoking Drum (Emission Point No. QE1416F) during the four hour ten minute event. The event occurred due to low steam pressure caused by a faulty pressure indicator.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	October 16, 2008	(717810)
Item 2	October 20, 2008	(717809)
Item 3	October 28, 2008	(686185)
Item 4	November 12, 2008	(733136)
Item 5	December 16, 2008	(756297)
Item 6	February 17, 2009	(756293)
Item 7	February 20, 2009	(709495)
Item 8	February 25, 2009	(721083)
Item 9	March 05, 2009	(721082)
Item 10	March 18, 2009	(756294)
Item 11	March 30, 2009	(756296)
Item 12	May 18, 2009	(741225)
Item 13	May 19, 2009	(773263)
Item 14	June 10, 2009	(773264)
Item 15	August 20, 2009	(741169)
Item 16	August 24, 2009	(819936)
Item 17	September 16, 2009	(764661)
Item 18	October 14, 2009	(766458)
Item 19	October 15, 2009	(767716)
Item 20	October 19, 2009	(819938)
Item 21	November 18, 2009	(819939)
Item 22	November 24, 2009	(764738)
Item 23	December 15, 2009	(819940)
Item 24	December 16, 2009	(781594)
Item 25	December 22, 2009	(765553)
Item 26	January 12, 2010	(787343)
Item 27	January 20, 2010	(819941)
Item 28	February 17, 2010	(819935)
Item 29	February 25, 2010	(819937)

Item 30	March 16, 2010	(836233)
Item 31	April 12, 2010	(836234)
Item 32	May 18, 2010	(836235)
Item 33	May 20, 2010	(801432)
Item 34	June 10, 2010	(800711)
Item 35	June 15, 2010	(847919)
Item 36	July 12, 2010	(827614)
Item 37	July 13, 2010	(862337)
Item 38	July 23, 2010	(824428)
Item 39	August 02, 2010	(784773)
Item 40	August 18, 2010	(868952)
Item 41	September 02, 2010	(843399)
Item 42	September 16, 2010	(875804)
Item 43	November 18, 2010	(889776)
Item 44	December 16, 2010	(898142)
Item 45	December 30, 2010	(880157)
Item 46	January 25, 2011	(866458)
Item 47	February 15, 2011	(910923)
Item 48	March 04, 2011	(880826)
Item 49	March 08, 2011	(884606)
Item 50	March 24, 2011	(899963)
Item 51	April 19, 2011	(930707)
Item 52	April 29, 2011	(914084)
Item 53	May 04, 2011	(907711)
Item 54	May 12, 2011	(878115)
Item 55	May 17, 2011	(939903)
Item 56	June 14, 2011	(947315)
Item 57	July 20, 2011	(954576)
Item 58	August 12, 2011	(961156)
Item 59	August 17, 2011	(948440)
Item 60	August 24, 2011	(942570)
Item 61	August 31, 2011	(936303)
Item 62	September 14, 2011	(967252)
Item 63	October 13, 2011	(973210)
Item 64	November 11, 2011	(979346)
Item 65	December 12, 2011	(986179)
Item 66	January 17, 2012	(957313)
Item 67	January 20, 2012	(992546)
Item 68	February 07, 2012	(981603)
Item 69	February 20, 2012	(999852)
Item 70	March 19, 2012	(1005401)
Item 71	April 18, 2012	(1011968)
Item 72	May 18, 2012	(1018357)
Item 73	May 25, 2012	(1006583)
Item 74	May 29, 2012	(1003187)
Item 75	June 19, 2012	(1026062)
Item 76	July 18, 2012	(1033424)
Item 77	July 19, 2012	(1020599)
Item 78	August 15, 2012	(1039947)
Item 79	October 03, 2012	(1035202)
Item 80	October 16, 2012	(1069919)
Item 81	November 19, 2012	(1069920)
Item 82	December 19, 2012	(1069921)
Item 83	January 03, 2013	(1050245)
Item 84	January 16, 2013	(1049583)
Item 85	February 08, 2013	(1056637)
Item 86	February 19, 2013	(1083069)
Item 87	March 18, 2013	(1091282)
Item 88	March 25, 2013	(1074646)
Item 89	April 02, 2013	(1059604)
Item 90	April 08, 2013	(1097612)

Item 91	May 20, 2013	(1108652)
Item 92	June 13, 2013	(1112215)
Item 93	July 18, 2013	(1119165)
Item 94	August 07, 2013	(1102357)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

Date: 12/17/2012 (1042945) **CN600124705**
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1 PERMIT
 Description: Failure to prevent an emissions event involving the high pressure boiler feedwater pump (which failed) and several boilers (which shut down from loss of boiler feed water), resulting in an olefin unit shutdown. [Subcategory B.13]

Date: 12/31/2012 (1083070) **CN600124705**
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

3 **Date:** 03/01/2013 (1050359) **CN600124705**
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)
 5C THSC Chapter 382 382.085(b)
 Description: Failure to secure authorization to operate an emissions source (wax blowdown drum drain, EPN L3V4251D). (Category B3)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)(1)
 5C THSC Chapter 382 382.085(b)
 Special Condition (SC) 9E PERMIT
 Special Terms & Conditions 15 OP
 Description: Failure to seal all open-ended lines in VOC service. (Category C10)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)
 5C THSC Chapter 382 382.085(b)
 Special Condition (SC) 7B PERMIT
 Special Terms & Conditions 12 OP
 Special Terms & Conditions 15 OP
 Description: Failure to maintain a constant flame on flare L3FLARE. (Category C4)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
 5C THSC Chapter 382 382.085(b)
 Special Condition 7A PERMIT
 Special Terms and Conditions 12 OP
 Special Terms and Conditions 15 OP
 Description: Failure to maintain a minimum heating value of 300 BTU/scf in flare L3FLARE. (Category C4)

F. Environmental audits:

Notice of Intent Date: 09/28/2009(779143)

Disclosure Date: 03/26/2010

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

Rqmt Prov: PERMIT S.C. 9

Description: Failure to achieve a 96% removal efficiency of particulate matter for the Furnace Decoking Drum.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

Description: Failure to ensure Permit 18978 and PSDTX752M3 reflect Volatile Organic Chemicals, and correctly reflect

particulate matter and carbon monoxide emissions from the furnace decoking drum (EPNQE1416F).

Disclosure Date: 03/23/2011

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

Rqmt Prov: PERMIT S.C. 9

Description: Failure to achieve a 96% removal efficiency of particulate matter for the Furnace Decoking Drum.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

Description: Failure to ensure Permit 18978 and PSDTX752M3 reflect Volatile Organic Chemicals, and correctly reflect particulate matter and carbon monoxide emissions from the furnace decoking drum (EPNQE1416F).

Notice of Intent Date: 03/18/2010(798386)

Disclosure Date: 09/17/2010

Viol. Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)

30 TAC Chapter 115, SubChapter H 115.782(b)(2)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1024(a)

Description: Failure to ensure all components are repaired within 15 days of discovery.

Notice of Intent Date: 05/04/2011(932621)

No DOV Associated

Notice of Intent Date: 08/02/2011(950144)

No DOV Associated

Notice of Intent Date: 04/04/2012(1002695)

Disclosure Date: 09/27/2012

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(h)(2)

Description: Failed to limit the number of difficult to monitor components to 3% in the MRU and Q1 units.

Viol. Classification: Minor

Citation: 40 CFR Chapter 279, SubChapter I, PT 279, SubPT C 279.22(c)(1)

Description: Failed to mark containers storing used oil with the words "Used Oil."

Viol. Classification: Moderate

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11(b)

Description: Failed to determine if F-listed solvent containminated materials are a hazardous waste.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.173(a)

Description: Failed to maintain a lid on a satellite accumulation container used for spray can depressurization in the West Maintenance shop and failed to close a tote storing organic peroxide waste.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(c)(2)

Description: Failed to mark the accumulation date on organic peroxide containers in excess of 55 gallons.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.193(e)(2)(iv)

Description: The lining of the V-3301 and V-3745 secondary containment is cracked.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.192(a)

Description: Failed to ensure the Professional Engineer assessment for tanks V-3301, V-3745, and V-3740 include ancillary equipment, shows foundation connections, and that pressure controls are adequately designed.

Viol. Classification: Minor

Citation: 40 CFR Chapter 265, SubChapter I, PT 265, SubPT J 265.192(g)

Description: Failed to maintain a written statement attesting that tanks V-3301, V-3745, and V-3740 ancillary equipment were installed as required by 40 CFR § 264.192(b) and (d).

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
EQUISTAR CHEMICALS, LP
RN100210319**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2013-1988-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Equistar Chemicals, LP ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a petrochemical plant located at 1515 Miller Cut Off Road in La Porte, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notices of the violations alleged in Section II ("Allegations") on or about October 6, 2013.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Twenty-Nine Thousand Two Hundred Fifty Dollars (\$29,250) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Eleven Thousand Seven Hundred Dollars (\$11,700) of the administrative penalty and Five Thousand Eight Hundred Fifty

Dollars (\$5,850) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Eleven Thousand Seven Hundred Dollars (\$11,700) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a)
9. The Executive Director recognizes that by October 31, 2013 the Respondent implemented the following corrective measures at the Plant to prevent recurrence of emissions events due to similar causes as Incident No. 182982:
 - a. Setup the Distributed Control System to indicate when the high pressure separator ("HPS") pressure reaches 3,875 pounds per square inch gauge ("psig"); and
 - b. Added the maximum operating pressure information of 4,400 psig to the HPS relief valve specification sheet.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), Federal Operating Permit ("FOP") No. O2223, Special Terms and Conditions ("STC") No. 15, Air Permit No. 4477, Special Conditions No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on August 12, 2013. Specifically, the Respondent released 8,700 pounds ("lbs") of ethylene from the AB-III Unit, when two relief valves, V4246RV2 and V4246RV3, located on the high pressure separator lifted prematurely during a startup,

resulting in an emissions event (Incident No. 182982) that began on May 17, 2013 and lasted for thirty-three minutes. Since this emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

2. Failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), FOP No. 02223, STC No. 15, Air Permit No. 4477, Special Conditions No. 1, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on August 13, 2013. Specifically, the Respondent released 7,600 lbs of ethylene from the AB-III Unit, when the primary inter-stage relief valve, V4202RV1, failed during normal operations, resulting in an emissions event (Incident No. 182989) that began on May 19, 2013 and lasted for sixteen minutes. Since this emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Equistar Chemicals, LP, Docket No. 2013-1988-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Eleven Thousand Seven Hundred Dollars (\$11,700) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:

- a. Within 30 days of the effective date of this Agreed Order, implement procedures to prevent the recurrence of emissions events due to same or similar causes as Incident No. 182989; and
- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the

Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

4/2/14
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

1/20/2014
Date

Tim M Westby
Name (Printed or typed)
Authorized Representative of
Equistar Chemicals, LP

Site Manager
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2013-1988-AIR-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Equistar Chemicals, LP
Penalty Amount:	Twenty-Three Thousand Four Hundred Dollars (\$23,400)
SEP Offset Amount:	Eleven Thousand Seven Hundred Dollars (\$11,700)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Houston Regional Monitoring Corporation
Project Name:	<i>Houston Area Air Monitoring Project</i>
Location of SEP:	Harris County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project ("SEP"). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Houston Regional Monitoring Corporation** for the *Houston Area Air Monitoring Project* SEP. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to operate a network of ambient air monitoring stations that continuously measure and record concentrations of ambient air pollutants. This network includes the Houston Regional Monitor ("HRM") 617 Wallisville Road site, the HRM 615 Lynchburg Ferry site, and the HRM 3 Haden Road site. The Third-Party Administrator shall use the SEP Offset Amount to report data from these three existing sites in the Houston Regional Monitoring Corporation ambient air quality monitoring network in the Houston-Galveston Air Quality Control Region No. 216. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including but not limited to supplies, materials, and equipment. Any portion of this

contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will provide TCEQ with near real-time access to high quality, short time resolution volatile organic compound, nitrogen oxide, ozone, and meteorological data sets that can be used to evaluate and track air pollution emission events as they occur, conduct source attribution studies, and to assess potential ambient community exposure to a limited number of hazardous air pollutants. Data from the monitors can be used with data from other monitors to provide critical information that can be used to evaluate the effectiveness of current and proposed emission control strategies aimed at achieving compliance with the 8-hr ozone National Ambient Air Quality Standards. It also provides a key source of information that is essential to furthering our overall understanding of those emission sources that contribute to ambient community exposure to toxic air contaminants. Because the information is available in near real-time, it can be used to provide both agency staff and industry personnel with time critical information to investigate emission events in a timely fashion. Another key benefit is the ability to measure the change in the ambient air concentration of the individual target species and quantify control measure effectiveness. Data from these monitors will be publicly accessible through the TCEQ's website and will be used in evaluating air quality in the area, in ozone forecasts, and ozone warnings. Thus, the public will directly benefit by having access to the data and the forecasting and notification tools which can be used for public awareness.

c. Minimum Expenditure

Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. Respondent shall make the contribution payable to **Houston Regional Monitoring Corporation SEP** and shall mail the contribution with a copy of the Agreed Order to:

Equistar Chemicals, LP
Agreed Order - Attachment A

Houston Regional Monitoring Corporation
c/o Christopher B. Amandes
Morgan, Lewis, & Bockius, LLP
1000 Louisiana, Suite 4000
Houston, Texas 77002

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, Respondent shall provide the Enforcement Division SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount due to the Third-Party Administrator. Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP made by or on behalf of Respondent, must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.